



## Purpose and Applicability of Regulations

Chemical spills and other past, or ongoing, residential, commercial or industrial activity can result in environmental contamination that may require remediation. For more information on this topic, please see the *Environmental Cleanup* section of IDEM's Web site at [www.idem.IN.gov/index.htm](http://www.idem.IN.gov/index.htm).

## Agencies and Their Laws and Rules

### ■ Indiana Department of Environmental Management

The Indiana Department of Environmental Management's Remediation Services Branch is located in the Office of Land Quality. The branch includes six program areas:

- Federal Programs (Superfund, Natural Resources Damage Assessment and Restoration Program, and Defense Environmental Restoration Program);
- Site Investigation;
- State Cleanup Section (State Cleanup, Remedial Response, and Immediate Removals);
- Brownfields Program (IDEM technical review staff are housed within the Indiana Brownfields Program administered by the Indiana Finance Authority);
- Voluntary Remediation Program (VRP); and
- Leaking Underground Storage Tanks (LUST) Program.

There are several different sets of integrated regulations that pertain to the cleanup of contaminated sites and to those purchasing sites that could be contaminated. The legal authority for these programs includes:

- Indiana Code (IC) 13-25-4 (Hazardous Substances Response Trust Fund);
- IC 13-24 (Petroleum Releases);
- 329 IAC 7-1 (Indiana Scoring Model);
- 327 IAC 2-6 (Spill Rule);
- IC 13-23 (LUST);
- IC 13-20-13 and IC 13-20-14 (Waste Tire Management Program); and
- IC 13-14-10 (General Emergency Procedures).

The Remediation Services Branch focuses on mitigating public health and environmental risks at sites where hazardous materials or petroleum products have been released



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onto the land and/or waters of the state. This mitigation will be accomplished by either oversight of responsible party actions (or activities completed by non-responsible parties) or state action with cost recovery pursued against the responsible party. The Remediation Services Branch priorities are:

- Property redevelopment in the areas of community brownfields, voluntary remediation and former landfills.
- Oversight of remediation of leaking tank sites.
- Oversight of cleanup and/or closure at sites under Superfund (sites on the National Priorities List), Defense Environmental Restoration Program (military bases), hazardous waste corrective action (sites placed on the Commissioner's Bulletin), and emergency response remedial actions (includes investigating sites for scoring for the National Priorities List and the Commissioner's Bulletin).
- Natural Resources Damage Assessment and immediate removal activities.

#### What is the Risk Integrated System of Closure?

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IDEM uses a variety of programs to protect Hoosiers and their environment from pollution. Sometimes these different programs serve the same function but are responsible for different areas. IDEM's cleanup programs are a good example of this. All of the cleanup programs are responsible for overseeing the cleanup of contaminated land and water. For example, one program focuses on underground storage tanks (USTs), one on abandoned contaminated sites, and another on currently operating industrial sites. Since all of these programs deal with cleanups, IDEM wants to ensure that all sites are cleaned to consistent levels and are equally protected.

The Risk Integrated System of Closure (RISC) provides consistency across cleanup programs. For property owners or potentially responsible parties who are involved in a site's cleanup, RISC provides flexible closure options for conducting site assessments, cleanup alternatives, and consistent closure goals. The RISC guidance document describes how to achieve consistent closure of contaminated soil and groundwater using existing IDEM programs. It is a non-rule policy document, which means that RISC does not have the full force and effect of law. As such, RISC is to be used in conjunction with other laws, not instead of them. Existing laws give IDEM the authority to require cleanups, while RISC defines objectives and options for how to conduct cleanup. RISC applies to contaminated industrial, commercial, or residential sites that are currently covered under existing IDEM programs that are described on the following pages.

RISC describes:

- How to determine which contaminants are present at a site;
- What the options are for determining site closure levels;

- What options are available for cleaning the site;
- How to use exposure prevention as a closure option (to prevent people from coming in contact with contaminants); and
- What to do if contamination threatens drinking water or environmentally sensitive areas.

## ■ Which Programs Use RISC?

The following programs use RISC:

- IDEM's Leaking Underground Storage Tank (LUST) Program:  
Petroleum products, such as gasoline and diesel fuel, and other hazardous substances are often stored in USTs. Older UST systems were not required to have leak detection and containment measures like newer systems and most of these leaked. New USTs sometimes leak as well (mainly due to failures in the tank lines), and can contaminate soil and sometimes groundwater.  
IDEM's LUST Program oversees the cleanups of leaks from USTs at gas stations, fleet fueling facilities, industrial manufacturers, and government installations. For more information, please see Chapter 4 and visit IDEM's Web site at [www.idem.IN.gov/4997.htm](http://www.idem.IN.gov/4997.htm).
- Hazardous Waste Closure and Corrective Action Programs:  
These programs implement and enforce the Resource Conservation and Recovery Act (RCRA) and related state laws and rules. These laws and rules manage the generation, storage, shipment, and disposal of solid wastes (such as household garbage) and hazardous wastes (such as industrial wastes left over from manufacturing and chemical production). The hazardous waste program requires industries to obtain a permit to store, treat, or dispose of hazardous waste. The programs also direct the cleanup of contamination resulting from waste management activities.
- State Cleanup Section (see pages 106–108)
- Indiana Brownfields Program (see pages 108–109)
- Voluntary Remediation Program (see page 109)

## ■ Site investigation

The assessment process typically begins when Site Investigation Program staff receive a complaint, site report, or site referral from other IDEM personnel, citizens, or county health department officials. Staff gather preliminary information about the site and identify possible negative impacts to human health and/or the environment. A site inspection may also be conducted. After the preliminary information is collected, the

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site is prioritized using either the PreScore or QuickScore computer model. Use of these computer models involves professional judgment that may include an evaluation of the overall site score, an evaluation of the site's past land use, possible sources of contamination, and sensitive environments. Staff may determine that environmental samples, such as water, soil, or sediment, need to be collected. If sample results or observations made during the site assessment show that there is an immediate threat to human health and/or the environment, an immediate removal action could be recommended. Staff may expand the investigation, at this point in the process, by collecting additional environmental samples or by gathering other types of useful information. Once all data collected has been evaluated, IDEM staff and management determine how best to deal with the site on a long-term basis.

A site may be diverted to other programs within IDEM, such as State Cleanup or Federal Programs, at any time during the assessment process if jurisdiction falls to another authority within IDEM. The site could also be referred to the U.S. Environmental Protection Agency if the site qualifies for the federal Superfund program. Community relations is a key to success when working with the assessment process. Often members of a particular community are able to provide important detailed information regarding a site. Site Investigation Program staff would be glad to discuss these programs or provide assistance; call (317) 233-2773 or (800) 451-6027, ext. 3-2773.

#### ■ State Cleanup Section

The State Cleanup Section is divided into the following three programs: State Cleanup, Remedial Response, and Immediate Removals. The goals for the State Cleanup Section are to mitigate risk to human health and the environment through investigation, remediation, or institutional controls at sites that are either listed on the Commissioner's Bulletin or referred remedial response sites from the Emergency Response Section or other IDEM programs.

#### State Cleanup Program

Those sites that do not qualify for coverage under Superfund may be addressed by the state. The Indiana Scoring Model (ISM) is a method of prioritizing, for state response actions, contaminated sites that are not on the National Priorities List. The ISM serves as the state's management tool to address those sites that pose a significant threat to human health and the environment and ensures the department's resources are allocated accordingly. Hazardous substances response sites that are evaluated utilizing the ISM are assigned a numerical score from 0 to 100. Site scores do not indicate level of threat, rather, they indicate the potential for contaminant migration. Site scoring is a dynamic process, and scores may be subject to change based on significant changes in site circumstances, receipt of additional site information, or other relevant factors.

Once a site has been scored using the ISM, it is placed on the Commissioner's Bulletin. The bulletin helps agency management assess the sites, determine which sites will be addressed, and ensures that state resources are allocated properly. The bulletin is published annually in the policy, non-rule section of the Indiana Register.

The cleanup criteria for these sites are determined on a site-by-site basis, using the Risk Integrated System of Closure guidance document and/or the National Contingency Plan (NCP). Please refer to the RISC guidance document for further information. If the site is scored using the ISM and qualifies for the formal state cleanup process, the cleanup criteria will be negotiated in an Agreed Order using the policies presented in the NCP.

### **Hazardous Substances Response Trust Fund**

The Hazardous Substances Response Trust Fund was created by the Indiana General Assembly in 1981. IC 13-25-4-1 states that the fund is to accumulate and maintain a source of money for the following purposes:

- Financing contracts or cooperative agreements between the state and the president of the United States under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, commonly known as Superfund).
- Preventing and/or containing the release of hazardous substances or contaminants.
- Financing response actions that are authorized by the IDEM commissioner.
- Paying expenses related to the releases of regulated substances other than petroleum from regulated underground storage tanks under IC 13-23-13-7.
- Paying administrative and personnel expenses incurred by the state in responding to releases or threats of releases of hazardous substances.
- Providing grants for household hazardous waste collection and disposal projects.
- Paying administrative and personnel expenses incurred by the department in implementing and administering household hazardous waste collection and disposal projects.
- Transferring funds to the environmental remediation revolving loan fund established under IC 13-19-5-2.

### **Remedial Response Program**

The Emergency Response Section was created to handle environmental emergencies and has no mechanism for long-term remedial oversight. In 1998, it was recognized that such a mechanism was needed to address emergency response sites requiring long-term remediation. Therefore, these sites are now referred to the State Cleanup Section for



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evaluation, as well as management of the remediation process. The involvement of the State Cleanup Section in these sites ensures that many previously unaddressed sites will be remediated. Sites may also enter this program via other methods, including referrals from other IDEM and government offices or calls from the public.

#### Immediate Removals Program

The Immediate Removals Program (IRP) provides time-critical removal of pollutants that are considered an imminent and substantial endangerment to public health and/or the environment. For the IRP's purposes, "time critical" is defined as action that needs to be initiated within six months. The goal of the program is to separate the hazard from potential receptors. Please note that this program is intended to remove immediate dangers, not to perform a full-scale remediation effort.

The IRP addresses sites with abandoned drums of hazardous materials or waste tire piles, and various abandoned industrial and commercial facilities. Typical actions conducted at these sites include fencing, sampling, overpacking and disposing of drums, and source removal. Source removal could include contaminated soil, transformers, lab packs, lagoons, and hazards. Staff has also arranged for alternate drinking water for supplies impacted by contaminants. For more information about the IRP, please call (317) 234-0349 or (800) 451-6027, ext. 4-0349.

#### ■ Indiana Brownfields Program

Brownfields are properties where expansion, redevelopment, or reuse may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant, including petroleum. Many brownfields formerly were industrial or commercial facilities, but business conditions changed and the sites are now underutilized, idled, or abandoned. Brownfield sites vary in size, location, age, and past use; they can be anything from an immense, closed industrial facility to a small corner gas station. Brownfield properties exist in big cities, small towns, suburbs, and even rural areas. Left unaddressed, brownfields may pose environmental, legal, and/or financial burdens on a community. However, cleanup is not always necessary; often, after environmental issues are addressed, these sites can again become the powerful engines for economic vitality, jobs, and community pride that they once were.

The Indiana Brownfields Program was created by 2005 legislation (Senate Enrolled Act 578) that merged the brownfield financial and technical review programs into one program, thereby combining existing brownfield resources to better assist communities with brownfields redevelopment. The Indiana Brownfields Program, now managed by the Indiana Finance Authority (IFA), works in partnership with the U.S. Environmental Protection Agency and other Indiana agencies/programs to encourage and assist investment in the redevelopment of brownfield properties by helping communities via educa-

tional, financial, technical and legal assistance to identify and mitigate environmental barriers that impede local economic growth.

Although not a regulatory program, the Indiana Brownfields Program adheres to all existing laws, regulations and policies that are protective of human health and the environment and utilizes IDEM's Risk Integrated System of Closure to minimize and manage liability. Applying RISC allows for consistent application of IDEM agency-wide property closure policies and flexibility to achieve a balance between environmental protection and economic development. For more information, please refer to IDEM's Web site at [www.idem.IN.gov/4177.htm](http://www.idem.IN.gov/4177.htm) and IFA's Web site at [www.IN.gov/ifa/brownfields](http://www.IN.gov/ifa/brownfields).

## Voluntary Remediation Program

The Voluntary Remediation Program (VRP), established by the state legislature in 1993, provides a mechanism for site owners, operators, or potential purchasers to voluntarily enter into an agreement with IDEM to clean up contaminated property. Participants who complete a site cleanup under the VRP are issued a Certificate of Completion from IDEM and a Covenant Not To Sue from the Governor's Office. These documents ensure that the owner or operator of the site will be able to proceed with reuse of the site without concern that it may be subject to further enforcement action by IDEM, or that they could be subject to further liability, at some later date. For more information, please refer to IDEM's Web site at [www.idem.IN.gov/4127.htm](http://www.idem.IN.gov/4127.htm).

## For More Information

Cleanups	IDEM - Office of Land Quality <i>State Cleanup Section</i> (317) 234-0347 or (800) 451-6027, ext. 4-0347 <a href="http://www.idem.IN.gov/4179.htm">www.idem.IN.gov/4179.htm</a>
Emergency Response	IDEM - Office of Land Quality <i>Emergency Response Section</i> 24-Hour Spill Reporting Hotline (317) 233-7745 or (888) 233-7745 (toll free nationwide) <a href="http://www.idem.IN.gov/4155.htm">www.idem.IN.gov/4155.htm</a>
Risk Assessments	IDEM - Office of Land Quality <i>Science Services Branch</i> (317) 233-1513 or (800) 451-6027, ext. 3-1513 <a href="http://www.idem.IN.gov/4144.htm">www.idem.IN.gov/4144.htm</a>

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